

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

NICHOLAS BERGERON and NICK
QUATTROCIOCCHI, individually and on
behalf of others similarly situated,

Plaintiffs,

v.

ROCHESTER INSTITUTE OF
TECHNOLOGY,

Defendant.

Case No.: 6:20-cv-06283

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs hereby provide this notice of supplemental authority of one new opinion in COVID-19 tuition and fee refund actions in relation to Plaintiffs' Motion to Certify Class (Dkt No. 73) The recent decision in *Staubus v. Regents of the Univ. of Minnesota*, No. 27-cv-20-8546 (Minn. Dist. Ct. Nov. 9, 2022), a copy of which is attached hereto.

In *Staubus*, the Plaintiff-student filed a putative class action against his university, seeking refunds for mandatory fees. *Id.*, at 4. The Minnesota court certified a class consisting of "All individuals who were charged Mandatory Fees by the University of Minnesota for the Spring 2020 Semester." *Id.*, at 2. The court found that issues common include "whether a contract was formed between the University and its students... whether it breached its contract in March 2020 by denying on-campus access to various activities, facilities, and services." *Id.*, at 14. Additionally, the court found that typicality was met because "[t]he University of Minnesota is a single collegiate system with practices that are centralized and uniform in many relevant respects." *Id.*, at 20. As in *Staubus*, Plaintiffs common issues predominate over individualized issues and, because Rochester

Institute of Technology has centralized and uniform practices, Plaintiffs' claims are typical of the members of the putative class.

Plaintiffs respectfully submit that this decision further support their position in this matter in support of Plaintiffs' motion to certify the class.

Dated: November 10, 2022

Respectfully Submitted,

BY: /s/ Blake G. Abbott

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Admitted via *Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served via the Court's CM/ECF.

By: /s/Blake G. Abbott